

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

JAVARROW YOUNG,
HCJ 2426649,

Plaintiff,

versus

DEVON ANDERSON.

Defendant.

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CIVIL ACTION H-15-1052

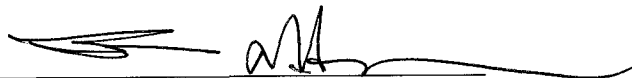
Opinion on Dismissal

Javarrow Young sues Harris County prosecutor Devon Anderson for civil rights violations. 42 U.S.C. § 1983. He moves to proceed as a pauper. 28 U.S.C. § 1915. Young is held in the Harris County Jail under a charge of assaulting Ray Hopson. Ten days after he brought charges, Hopson told authorities he had lied. The charges were dropped. Later, he made a formal, written confession admitting that he had lied and signed papers to drop the charges. Young was nonetheless indicted on March 9, 2015. Hopson never went before a grand jury for his lies nor to give testimony which would exonerate Young and punish the accuser for filing a false police report. Young seeks dismissal of the charges and injunctive relief because a “false police report” was filed against him.

A civil rights claim for damages which challenges the validity of a conviction or custody cannot proceed unless the conviction or confinement has been held invalid. *Heck v. Humphrey*, 512 U.S. 477, 487 (1994). *Heck* applies to claims for injunctive relief that imply the invalidity of a conviction or custody. *Kutzner v. Montgomery County*, 303 F.3d 339, 340-41 (5th Cir. 2002). Young’s claims implicate the validity of his extended custody. There is no showing his confinement has been invalidated. The holdings in *Heck* and *Kutzner* bar Young’s claims and his requests for relief.

Young fails to state a claim recognized at law under *Heck*. This case will be dismissed.

Signed May 8, 2015, at Houston, Texas.



Lynn N. Hughes
United States District Judge